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MINISTRY OF WORKS, HOUSING AND SUPPLY

NOTIFICATION

New Delhi, the 3rd December 1958

G.S.R. 1159.—In exercise of the powers conferred by section 13 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the Public Premises (Eviction of Unauthorised Occupants) Rules, 1958.

2. **Definitions.**—(1) In these rules,—

(a) “Act” means the Public Premises (Eviction of Unauthorised Occupants) Act, 1958;

(b) “Form” means a form appended to these rules.

(2) Words and expressions used but not defined in these rules shall have the meanings if any assigned to them in the Act.

3. **Form of notices and orders.**—A notice or order under the Act shall be in one of the appropriate forms appended to these rules.

4. **Manner of service of notices and orders.**—(1) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) of section 6, of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family.

(2) The estate officer may also proclaim the contents of any notice in the locality by beat of drum.

5. **Holding of inquiries.**—(1) Where any person on whom a notice or order under this Act has been served desires to be heard through his representative, he should authorise such representative in writing.

(2) The estate officer shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.

6. **Manner of taking possession of public premises.**—(1) If any obstruction is offered, or is in the opinion of the estate officer likely to be offered, to the taking possession of any public premises under the Act, the estate officer or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

(2) Where any public premises of which possession is to be taken under the Act is found locked, the estate officer or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises:

Provided that,—

- (1) no entry shall be made into, or possession taken of, a public premises before sunrise or after sunset;
- (2) where any public premises is forced open, an inventory of the articles found in the premises shall be taken in the presence of two witnesses.

7. Assessment of damages.—In assessing damages for unauthorised use and occupation of any public premises, the estate officer shall take into consideration the following matters, namely:—

- (a) the purpose and the period for which the public premises were in unauthorised occupation;
- (b) the nature, size and standard of the accommodation available in such premises;
- (c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation to a private person;
- (d) any damage done to the premises during the period of unauthorised occupation;
- (e) any other matter relevant for the purpose of assessing the damages.

8. Procedure in appeals.—(1) An appeal preferred under section 9 of the Act shall be in writing, shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of such order.

(2) On receipt of the appeal and after calling for and perusing the record of the proceedings before the estate officer, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the estate officer against whose orders the appeal is preferred and to the appellant.

* FORM "A"

Form of notice under sub-section (1) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

To

Shri/Shrimati/Kumari
.....

Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that you should be evicted from the said premises:

GROUND

Now, therefore, in pursuance of sub-section (1) of section 4 of the Act I hereby call upon you to show cause on or before the*..... why such an order of eviction should not be made.

SCHEDULE

Date Signature & Seal of the estate officer.

*This date should be a date not earlier than ten days from the date of issue of the notice.

FORM "B"

Order under sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

Whereas I, the undersigned, am satisfied for the reasons recorded below that Shri/Shrimati/Kumari is/are in unauthorised occupation of the public premises specified in the Schedule below:

REASONS

Now, therefore, in exercise of the powers conferred on me under sub-section (1) of section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, I hereby order the said Shri/Shrimati/Kumari.....and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within forty five days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

SCHEDULE

Date

Signature & Seal of the estate officer.

FORM "C"

Order of notice under sub-section (1) of Section 6 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

Shri/Shrimati/Kumari

Whereas on the you were evicted from the public premises described in the Schedule below which was unauthorisedly occupied by you;

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 6 of the Act, I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent/damages due from you are paid within the said period of fourteen days.

SCHEDULE

Date

Signature & Seal of the estate officer.

FORM "D"

Order under sub-section (1) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

To

Shri/Shrimati/Kumari

Whereas you are in occupation of the public premises described in the Schedule below;

And whereas a sum of Rs. being the arrears of rent from the day of 195 .. up to the day of 195 .., in respect of the said premises is due and payable by you to the Government:

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, I hereby require you to pay the said sum within months in equal instalments of Rs. In case the said sum is not paid within the said period or in the said manner, it will be recovered as an arrear of land revenue.

SCHEDULE

Date

Signature & Seal of the estate officer.

FORM "E"

Notice under sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

To

Shri/Shrimati/Kumari

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Schedule below;

And, whereas, in exercise of the powers conferred on me by sub-section (2) of section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, I consider the damages amounting to Rs. at the rate of Rs. p.m. have been caused on account of unauthorised use and occupation of the said premises for the period from to

Now, therefore, under the provisions of sub-section (2) of section 7 of the Act I hereby call upon you to show cause on or before the why an order requiring you to pay the said damages should not be made.

SCHEDULE

Date

Signature & Seal of the estate officer.

FORM "F"

Form of order under sub-section (2) of Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958

To

Shri/Shrimati/Kumari

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Schedule below;

And whereas by a written notice dated you were called upon to show cause on or before the why an order requiring you to pay damages of Rs. for unauthorised use and occupation of the said premises, should not be made:

*And whereas I have considered your objections and/or the evidence produced by you:

And whereas you have not made any objections or produced any evidence before the said date:

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, I hereby order you to pay the sum of Rs. assessed by me as damages on account of your unauthorised occupation of the said premises within months in equal instalments of Rs.

In the event of your refusal or failure to pay the damages or any instalment thereof within the said period or in the manner aforesaid the amount will be recovered as an arrear of land revenue.

SCHEDULE

Date

Signature & Seal of the estate officer.

*Strike off portion not required.

[No. 14/5/58-Acc.]

R. F. ISAR, Jt. Secy.

